HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 934 (MS) of 2004

Vijay Kumar Gupta
S/o Sh. B.N. Gupta
R/o Shivalik Nagar
BHEL Dist. Haridwar
And others. ..... Petitioners

Vs

Bharat Heavy Electrical
Ltd. Haridwar and others. ..... Respondents

Counsel for the petitioner Sh.Alok Singh
And Sh. Parvesh Tripathi.
Counsel for the respondents Sh. B.P. Nautiyal.

Dated:- 29-9-2004

Hon'ble Rajesh Tandon J.

Heard Sh. Alok Singh and Sh. Parvesh Tripathi learned counsel for the petitioners and Sh. B.P. Nautiyal for the respondent.

By the present writ petition the petitioners have prayed fro a writ of mandamus commanding the respondents not to give effect to the impugned selection of the Apprentice Trainees held on 27-9-2004. Further prayer has been made for a writ of mandamus commanding the respondent No.s 1 to 3 to hold the selection of apprentice trainees again and allow the petitioners to participate in the process of selection for apprentice trainees.

Briefly stated the petitioners have stated in paragraph 3 of the writ petition that they have completed the I.T.I Course with '*Machinist*' as the trade and the rest of the petitioners completed their course with '*Electrician*' as the trade from Government Industrial Training Institute (I.T.I) Saharanpur. It

is submitted that all the petitioners secured more than 60% in their examination. They have also issued a call letters inviting the petitioners to appear for apprentice training in the written examination/ interview scheduled to be held on 27-9-2004.

Counsel for the respondents Sh. B.P. Nautiyal has argued vehemently that in view of paragraph 7 of the writ petition, petitioners being private candidates having obtained their training from private institutions they are not entitled for any relief.

Without entering into the merits of the controversy, it will be open for the petitioners to represent the authorities. Since the authorities have not disclosed any reasons for not permitting the petitioners, the respondents shall pass a reasoned order within a period of 3 days on the representations made by the petitioners.

The petitioners shall file their representations by 30th September 2004. Sh. B.P. Nautiyal appearing on behalf of the respondents No.1 to 3 has undertaken that the representations shall be disposed of by 3rd October 2004.

Both the parties have agreed that the representations made by the petitioners shall be decided by 3rd October 2004 by a reasoned order.

Subject to the aforesaid observations, the writ petition is disposed of.

Copy may be issued today.

Dated:- 29-9-2004 **(RAJESH TANDON J.)**

M.K.